



SUBJECT: Duty to Intervene
TO: Department Members

This Order establishes department policy and member responsibilities for the following:

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45.1 DUTY TO INTERVENE

45.1.1 POLICY

Members of the law enforcement profession have legal, moral, and ethical responsibilities for preventing and/or stopping improper actions by law enforcement officers and other government officials, and for ensuring the well-being of those in the profession. Members who fail to meet their obligations to prevent or stop improper action may expose themselves to criminal charges, civil liability, and Department discipline.

The purpose of this Order is to ensure members meet their responsibilities by establishing department policy regarding the duty of members to intervene in specific circumstances to ensure the protection of the public and other members. This Order supplements, but does not supersede, requirements to report all misconduct as required by Official Order No. 1.

A member's responsibilities under this Order apply regardless of the rank, seniority, position, or title of persons involved.

45.1.2 MEMBER MENTAL HEALTH

- A. Members have a duty to intervene when they have a reasonable belief that a fellow member is experiencing unusual stress or other mental health issues potentially affecting their job performance.
- B. Members who observe apparent signs of unusual stress or other mental health issues in another member shall intervene by notifying one or more of the following of their observations:
 - (1) The Office of Behavioral Science
 - (2) A Department Peer Support Person
 - (3) Their worksite commander
 - (4) The director of the Human Resources Division
- C. Members receiving notice as required by subsection B above shall take all necessary steps, consistent with their training and role, to ensure the affected member receives the appropriate level of care.

45.1.3. EXCESSIVE FORCE

- A. Enforcement members shall take all reasonable steps necessary to prevent or stop the use of excessive force or unnecessary violence committed in their presence by other members; by officers or agents of other law enforcement agencies; or by other government employees.
 - (1) For the purposes of this Order, excessive force is force that is objectively unreasonable under the circumstances or that otherwise clearly violates Department policy governing the use of force.
 - (2) Enforcement members who use force to intervene shall do so consistent with Department policy governing use of force. Physical intervention shall only be attempted when it is objectively safe to do so.
 - (3) Enforcement members who observe indicators that excessive force may be imminent, such as obvious anger, loss of composure, or intentional escalation of an encounter, shall intervene by taking reasonable steps to prevent the use of force by the other person.
- B. Enforcement members who intervene to stop or prevent excessive force shall report their intervention and the circumstances leading to intervention to their worksite commander, in writing, by the end of the shift in which the intervention occurred. Non-enforcement civilian members who observe excessive force shall report their observations in writing to their worksite commander. All members may be required to submit an incident report if appropriate.
- C. If the individual who used or attempted to use excessive force is a department member, the worksite commander shall conduct a thorough review of the incident and provide a written summary of their findings within five calendar days of the incident to their district/division commander for review and shall submit a BlueTeam Complaint Against Member when required.

- D. If the individual who used or attempted to use excessive force is a non-member, the worksite commander of the member reporting the intervention shall notify the individual's agency chief executive of the incident as soon as practical.

45.1.4. CONSTITUTIONAL VIOLATIONS

- A. Members have an obligation to protect the Constitutional rights of all persons and have a duty to intervene when they have knowledge of actions by others that could reasonably lead to an infringement of those rights.
- B. Members shall intervene by preventing or reporting any of the following when it is objectively reasonable to believe they have been committed:
- (1) Unlawful traffic stops, arrests, apprehensions, or detentions.
 - (2) Illegal searches.
 - (3) Discriminatory policing, including discrimination based on race, gender, religion, sexual orientation or identity, ethnicity, or national origin.
 - (4) Making false statements in written reports, including search warrant affidavits, or while testifying under oath.
 - (5) Mishandling or improper disposal of evidence.
 - (6) Unnecessary damage to or destruction of property.
 - (7) Retaliation against any person for engaging in activity protected by the First Amendment.
- C. Members who intervene in, or have knowledge of, any of the actions listed in subsection B committed by another member shall file a BlueTeam Complaint Against Member and notify their worksite commander. When committed by a non-member, such actions shall be reported in writing to the worksite commander.
- D. If the individual committing any of the actions listed in subsection B is a non-member, the worksite commander of the member reporting the intervention shall notify the individual's agency chief executive of the incident as soon as practical.

45.1.5. RETALIATION

Retaliation, in any form, against a member who intervenes as required by this Order is prohibited and shall result in discipline up to and including termination.

45.2 REVISION RESPONSIBILITY

Responsibility for continuous review and revision of this Order lies with the Transparency and Accountability Division, in cooperation with the Human Resources Division and the Office of Behavioral Science.

DIRECTOR